

REMARKS

Claims 1-15 and 21-42 are pending in this application. Claims 1 and 12-15 are independent claims. Claims 1-15, 23, 28, 32-35, and 37-40 are amended and claims 16-20 are cancelled. Claims 41-42 are added.

Rejections Under 35 U.S.C. § 103

Claims 1-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,734,788 to Nonomura et al. (“Nonomura”) in view of U.S. Publication 2002/0126994 to Gunji (“Gunji”) and in further view of U.S. Patent 6,615,192 to Tagawa et al. (“Tagawa”) in further view of U.S. Patent 6,393,430 to Van Ryzin (“Van Ryzin”). These rejections are respectfully traversed.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that none of the cited references, either separately or in combination, teach or suggest all of the limitations recited in the claims, nor is it clearly articulated why one skilled in the art would have found the methods and apparatuses set forth in the claims obvious in view of the cited references. For example, claim 1 recites a computer

readable medium having, among other things, “a playlist directory area for storing at least one playlist indicating the clip, the playlist including a plurality of playitems, the playitems representing a playing interval of the clip, the playitem indicating a presentation start time and a presentation end time based on a time axis of the clip.” The Applicant respectfully asserts that none of the cited references teach, suggest, or otherwise render obvious a computer readable medium including the limitations set forth above.

The alleged playlist shown in FIG. 6 of Gunji is merely text displayed on a screen. It does not teach, suggest, or otherwise render obvious playlists including the playitem as set forth in claim 1.

The Office Action on page 5 admits that Nonomura in view of Gunji and further in view of Tagawa fail to disclose the playlist including at least one playitem representing the play interval of the clip. The Office Action on page 5 alleges that Van Ryzin discloses a system wherein time intervals are associated with the playlist items as seen in FIG. 3. The Applicant respectfully disagrees with this assertion.

FIG. 3 of Van Ryzin merely discloses reproduction times of tracks displayed in a graphic user interface. (See, for example, FIG. 3 of Van Ryzin, and column 4, lines 37-49 of Van Ryzin). In contrast to that described in Van Ryzin, claim 1 recites a playitem that indicates a presentation start time and a presentation end time based on a time axis of the clip. Thus, the playitem of claim 1 is patentably distinguishable from the Van Ryzin reference which discloses merely reproduction times of tracks displayed in a graphic interface. Accordingly, the cited references, either separately or in combination, do not disclose the playitems of claim 1. Because they do not teach or suggest the playitem of claim 1, they also do not disclose the portion of claim 1 which

recites “wherein the playitem is a unit to be randomized or shuffled during random/shuffle reproduction mode.”

Claim 1 further recites “a management area separate from the playlist directory area, for storing at least one title management information title including at least one segment for launching the playlist, the segment including a command indicating the playlists.” The Applicant respectfully asserts that none of the cited references teach or suggest, either separately or in combination, the above quoted portion of claim 1. Because none of the cited references, either separately or in combination, teach or suggest all of the limitations set forth in claim 1 and there has been no clear articulation of why one skilled in the art would have found the computer readable medium of claim 1 obvious in view of the cited references, the Applicant respectfully sets forth that no *prima facie* case of obviousness has been made. The Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) and its dependent claims 2-11 be removed.

The Applicant respectfully notes that independent claims 12, 13, 14, and 15 recite language similar to that quoted above with respect to claim 1, and are patentable at least for the reasons set forth above with respect to claim 1. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) of independent claims 12-15 and their dependent claims 21-40 be removed, and that all the pending claims 1-15 and 21-42 be allowed.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

By



Terry L. Clark, Reg. No. 32,644

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

TLC/PXL:eab